

AMENDMENTS TO LB 994

(Amendments to E & R amendments, AM7178)

Introduced by Jensen, 20

1 1. Insert the following sections:

2 Sec. 40. Section 71-801, Revised Statutes Cumulative
3 Supplement, 2004, is amended to read:

4 71-801 Sections 71-801 to ~~71-820~~ 71-818 shall be known
5 and may be cited as the Nebraska Behavioral Health Services Act.

6 Sec. 41. Section 71-802, Revised Statutes Cumulative
7 Supplement, 2004, is amended to read:

8 71-802 The purposes of the Nebraska Behavioral Health
9 Services Act are to: (1) Reorganize statutes relating to the
10 provision of publicly funded behavioral health services; (2)
11 provide for the organization and administration of the public
12 behavioral health system within the department; (3) rename mental
13 health regions as behavioral health regions; (4) provide for
14 the naming of regional behavioral health authorities and ongoing
15 activities of regional governing boards; (5) reorganize and rename
16 the State Mental Health Planning and Evaluation Council, the State
17 Alcoholism and Drug Abuse Advisory Committee, and the Nebraska
18 Advisory Commission on Compulsive Gambling; ~~and create the State~~
19 ~~Behavioral Health Council;~~ (6) change and add provisions relating
20 to development of community-based behavioral health services and
21 funding for behavioral health services; and (7) authorize the
22 closure of regional centers.

1 Sec. 42. Section 71-814, Revised Statutes Cumulative
2 Supplement, 2004, is amended to read:

3 71-814 (1) The State Advisory Committee on Mental Health
4 Services is created. Members of the committee shall have a
5 demonstrated interest and commitment and specialized knowledge,
6 experience, or expertise relating to the provision of mental
7 health services in the State of Nebraska. The committee shall
8 consist of twenty-three members appointed by the Governor as
9 follows: (a) One regional governing board member, (b) one regional
10 administrator, (c) twelve consumers of behavioral health services
11 or their family members, (d) two providers of behavioral health
12 services, (e) two representatives from the State Department of
13 Education, including one representative from the Division of
14 Vocational Rehabilitation of the State Department of Education,
15 (f) three representatives from the Nebraska Health and Human
16 Services System representing mental health, social services, and
17 medicaid, (g) one representative from the Nebraska Commission on
18 Law Enforcement and Criminal Justice, and (h) one representative
19 from the Housing Office of the Community and Rural Development
20 Division of the Department of Economic Development.

21 (2) The committee shall be responsible to the State
22 ~~Behavioral Health Council~~ division and shall (a) serve as the
23 state's mental health planning council as required by Public
24 Law 102-321, (b) conduct regular meetings, (c) provide advice
25 and assistance to ~~the council and~~ the division relating to the
26 provision of mental health services in the State of Nebraska,
27 including, but not limited to, the development, implementation,

1 provision, and funding of organized peer support services, (d)
2 promote the interests of consumers and their families, including,
3 but not limited to, their inclusion and involvement in all aspects
4 of services design, planning, implementation, provision, education,
5 evaluation, and research, (e) provide reports as requested by the
6 ~~council~~ ~~or~~ the division, and (f) engage in such other activities as
7 directed or authorized by the ~~council~~ division.

8 Sec. 43. Section 71-815, Revised Statutes Supplement,
9 2005, is amended to read:

10 71-815 (1) The State Advisory Committee on Substance
11 Abuse Services is created. Members of the committee shall have
12 a demonstrated interest and commitment and specialized knowledge,
13 experience, or expertise relating to the provision of substance
14 abuse services in the State of Nebraska. The committee shall
15 consist of twelve members appointed by the Governor and shall
16 include at least three consumers of substance abuse services.

17 (2) The committee shall be responsible to the State
18 ~~Behavioral Health Council~~ division and shall (a) conduct regular
19 meetings, (b) provide advice and assistance to the ~~council~~ and the
20 division relating to the provision of substance abuse services in
21 the State of Nebraska, (c) promote the interests of consumers and
22 their families, (d) provide reports as requested by the ~~council~~ ~~or~~
23 the division, and (e) engage in such other activities as directed
24 or authorized by the ~~council~~ division.

25 Sec. 44. Section 71-816, Revised Statutes Supplement,
26 2005, is amended to read:

27 71-816 (1) The State Advisory Committee on Problem

1 Gambling and Addiction Services is created. Members of the
2 committee shall have a demonstrated interest and commitment and
3 specialized knowledge, experience, or expertise relating to the
4 provision of problem gambling and addiction services in the
5 State of Nebraska. The committee shall consist of twelve members
6 appointed by the Governor and shall include at least three
7 consumers of problem gambling or addiction services.

8 (2) The committee shall be responsible to the State
9 ~~Behavioral Health Council~~ division and shall (a) conduct regular
10 meetings, (b) provide advice and assistance to ~~the council~~ and
11 the division relating to the provision of problem gambling
12 and addiction services in the State of Nebraska, (c) evaluate
13 applications for funding from the Compulsive Gamblers Assistance
14 Fund and make recommendations relating to disbursements from the
15 fund, (d) promote the interests of consumers and their families,
16 (e) provide reports as requested by ~~the council~~ ~~of~~ the division,
17 and (f) engage in such other activities as directed or authorized
18 by the ~~council~~ division.

19 Sec. 51. Section 71-2225, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-2225 For purposes of sections 71-2225 to 71-2230:

22 (1) CSF program shall mean the Commodity Supplemental
23 Food Program administered by the United States Department of
24 Agriculture or its successor;

25 (2) Food instrument shall mean a voucher, check, coupon,
26 or other document used to obtain supplemental foods;

27 (3) Supplemental foods shall mean (a) foods containing

1 nutrients determined to be beneficial for infants, children, and
2 pregnant, breast-feeding, or postpartum women as prescribed by
3 the United States Department of Agriculture for use in the WIC
4 program and (b) foods donated by the United States Department of
5 Agriculture for use in the CSF program; and

6 (4) WIC program shall mean the Special Supplemental ~~Feed~~
7 Nutrition Program for Women, Infants, and Children as administered
8 by the United States Department of Agriculture or its successor.

9 Sec. 52. Section 71-3503, Revised Statutes Supplement,
10 2005, is amended to read:

11 71-3503 For purposes of the Radiation Control Act, unless
12 the context otherwise requires:

13 (1) Radiation means ionizing radiation and nonionizing
14 radiation as follows:

15 (a) Ionizing radiation means gamma rays, X-rays, alpha
16 and beta particles, high-speed electrons, neutrons, protons, and
17 other atomic or nuclear particles or rays but does not include
18 sound or radio waves or visible, infrared, or ultraviolet light;
19 and

20 (b) Nonionizing radiation means (i) any electromagnetic
21 radiation which can be generated during the operations of
22 electronic products to such energy density levels as to present
23 a biological hazard to occupational and public health and safety
24 and the environment, other than ionizing electromagnetic radiation,
25 and (ii) any sonic, ultrasonic, or infrasonic waves which are
26 emitted from an electronic product as a result of the operation of
27 an electronic circuit in such product and to such energy density

1 levels as to present a biological hazard to occupational and public
2 health and safety and the environment;

3 (2) Radioactive material means any material, whether
4 solid, liquid, or gas, which emits ionizing radiation
5 spontaneously. Radioactive material includes, but is not
6 limited to, accelerator-produced material, byproduct material,
7 naturally occurring material, source material, and special nuclear
8 material;

9 (3) Radiation-generating equipment means any manufactured
10 product or device, component part of such a product or device,
11 or machine or system which during operation can generate or emit
12 radiation except devices which emit radiation only from radioactive
13 material;

14 (4) Sources of radiation means any radioactive material,
15 any radiation-generating equipment, or any device or equipment
16 emitting or capable of emitting radiation or radioactive material;

17 (5) Undesirable radiation means radiation in such
18 quantity and under such circumstances as determined from time
19 to time by rules and regulations adopted and promulgated by the
20 department;

21 (6) Person means any individual, corporation,
22 partnership, limited liability company, firm, association,
23 trust, estate, public or private institution, group, agency,
24 political subdivision of this state, any other state or
25 political subdivision or agency thereof, and any legal successor,
26 representative, agent, or agency of the foregoing;

27 (7) Registration means registration with the department

1 pursuant to the Radiation Control Act;

2 (8) Department means the Department of Health and Human
3 Services Regulation and Licensure;

4 (9) Coordinator means the Director of Regulation and
5 Licensure;

6 (10) Electronic product means any manufactured product,
7 device, assembly, or assemblies of such products or devices which,
8 during operation in an electronic circuit, can generate or emit a
9 physical field of radiation;

10 (11) License means:

11 (a) A general license issued pursuant to rules and
12 regulations adopted and promulgated by the department without the
13 filing of an application with the department or the issuance of
14 licensing documents to particular persons to transfer, acquire,
15 own, possess, or use quantities of or devices or equipment
16 utilizing radioactive materials;

17 (b) A specific license, issued to a named person upon
18 application filed with the department pursuant to the Radiation
19 Control Act and rules and regulations adopted and promulgated
20 pursuant to the act, to use, manufacture, produce, transfer,
21 receive, acquire, own, or possess quantities of or devices or
22 equipment utilizing radioactive materials;

23 (c) A license issued to a radon measurement specialist,
24 radon measurement technician, radon mitigation specialist, radon
25 mitigation technician, radon measurement business, or radon
26 mitigation business; or

27 (d) A license issued to a medical radiographer or limited

1 radiographer;

2 (12) Byproduct material means:

3 (a) Any radioactive material, except special nuclear
4 material, yielded in or made radioactive by exposure to the
5 radiation incident to the process of producing or utilizing special
6 nuclear material; and

7 (b) The tailings or wastes produced by the extraction
8 or concentration of uranium or thorium from any ore processed
9 primarily for its source material content, including discrete
10 surface wastes resulting from uranium or thorium solution
11 extraction processes. Underground ore bodies depleted by such
12 solution extraction operations do not constitute byproduct
13 material;

14 (13) Source material means:

15 (a) Uranium or thorium or any combination thereof in any
16 physical or chemical form; or

17 (b) Ores which contain by weight one-twentieth of one
18 percent or more of uranium, thorium, or any combination thereof.
19 Source material does not include special nuclear material;

20 (14) Special nuclear material means:

21 (a) Plutonium, uranium 233, or uranium enriched in the
22 isotope 233 or in the isotope 235 and any other material that
23 the United States Nuclear Regulatory Commission pursuant to the
24 provisions of section 51 of the federal Atomic Energy Act of 1954,
25 as amended, determines to be special nuclear material but does not
26 include source material; or

27 (b) Any material artificially enriched by any material

1 listed in subdivision (14) (a) of this section but does not include
2 source material;

3 (15) Users of sources of radiation means:

4 (a) Physicians using radioactive material or
5 radiation-generating equipment for human use;

6 (b) Natural persons using radioactive material or
7 radiation-generating equipment for education, research, or
8 development purposes;

9 (c) Natural persons using radioactive material or
10 radiation-generating equipment for manufacture or distribution
11 purposes;

12 (d) Natural persons using radioactive material or
13 radiation-generating equipment for industrial purposes; and

14 (e) Natural persons using radioactive material or
15 radiation-generating equipment for any other similar purpose;

16 (16) Civil penalty means any monetary penalty levied on
17 a licensee or registrant because of violations of statutes, rules,
18 regulations, licenses, or registration certificates but does not
19 include criminal penalties;

20 (17) Closure means all activities performed at a waste
21 handling, processing, management, or disposal site, such as
22 stabilization and contouring, to assure that the site is in a
23 stable condition so that only minor custodial care, surveillance,
24 and monitoring are necessary at the site following termination of
25 licensed operation;

26 (18) Decommissioning means final operational activities
27 at a facility to dismantle site structures, to decontaminate

1 site surfaces and remaining structures, to stabilize and contain
2 residual radioactive material, and to carry out any other
3 activities to prepare the site for postoperational care;

4 (19) Disposal means the permanent isolation of low-level
5 radioactive waste pursuant to the Radiation Control Act and rules
6 and regulations adopted and promulgated pursuant to such act;

7 (20) Generate means to produce low-level radioactive
8 waste when used in relation to low-level radioactive waste;

9 (21) High-level radioactive waste means:

10 (a) Irradiated reactor fuel;

11 (b) Liquid wastes resulting from the operation of the
12 first cycle solvent extraction system or equivalent and the
13 concentrated wastes from subsequent extraction cycles or the
14 equivalent in a facility for reprocessing irradiated reactor fuel;
15 and

16 (c) Solids into which such liquid wastes have been
17 converted;

18 (22) Low-level radioactive waste means radioactive waste
19 not defined as high-level radioactive waste, spent nuclear fuel,
20 or byproduct material as defined in subdivision (12) (b) of this
21 section;

22 (23) Management of low-level radioactive waste means the
23 handling, processing, storage, reduction in volume, disposal, or
24 isolation of such waste from the biosphere in any manner; 7
25 ~~except the commercial disposal of low-level radioactive waste in a~~
26 ~~disposal facility, designated by the Central Interstate Low-Level~~
27 ~~Radioactive Waste Compact Commission;~~

1 (24) Source material mill tailings or mill tailings means
2 the tailings or wastes produced by the extraction or concentration
3 of uranium or thorium from any ore processed primarily for
4 its source material content, including discrete surface wastes
5 resulting from underground solution extraction processes, but
6 not including underground ore bodies depleted by such solution
7 extraction processes;

8 (25) Source material milling means any processing of ore,
9 including underground solution extraction of unmined ore, primarily
10 for the purpose of extracting or concentrating uranium or thorium
11 therefrom and which results in the production of source material
12 and source material mill tailings;

13 (26) Spent nuclear fuel means irradiated nuclear fuel
14 that has undergone at least one year of decay since being used as
15 a source of energy in a power reactor. Spent nuclear fuel includes
16 the special nuclear material, byproduct material, source material,
17 and other radioactive material associated with fuel assemblies;

18 (27) Transuranic waste means radioactive waste material
19 containing alpha-emitting radioactive elements, with radioactive
20 half-lives greater than five years, having an atomic number greater
21 than 92 in concentrations in excess of one hundred nanocuries per
22 gram;

23 (28) Licensed practitioner means a person licensed to
24 practice medicine, dentistry, podiatry, chiropractic, osteopathic
25 medicine and surgery, or as an osteopathic physician;

26 (29) X-ray system means an assemblage of components for
27 the controlled production of X-rays, including, but not limited to,

1 an X-ray high-voltage generator, an X-ray control, a tube housing
2 assembly, a beam-limiting device, and the necessary supporting
3 structures. Additional components which function with the system
4 are considered integral parts of the system;

5 (30) Limited radiographer means a person licensed
6 to practice medical radiography pursuant to subsection (2) of
7 section 71-3515.01. Limited radiographer does not include a person
8 certified under section 71-176.01;

9 (31) Medical radiographer means a person licensed to
10 practice medical radiography pursuant to subsection (1) of section
11 71-3515.01;

12 (32) Medical radiography means the application of
13 radiation to humans for diagnostic purposes, including, but not
14 limited to, adjustment or manipulation of X-ray systems and
15 accessories including image receptors, positioning of patients,
16 processing of films, and any other action that materially affects
17 the radiation dose to patients;

18 (33) Licensed facility operator means any person or
19 entity who has obtained a license under the Low-Level Radioactive
20 Waste Disposal Act to operate a facility, including any person
21 or entity to whom an assignment of a license is approved by the
22 Department of Environmental Quality; and

23 (34) Deliberate misconduct means an intentional act or
24 omission by a person that (a) would intentionally cause a licensee,
25 registrant, or applicant for a license or registration to be
26 in violation of any rule, regulation, or order of or any term,
27 condition, or limitation of any license or registration issued by

1 the department under the Radiation Control Act or (b) constitutes
2 an intentional violation of a requirement, procedure, instruction,
3 contract, purchase order, or policy under the Radiation Control
4 Act by a licensee, a registrant, an applicant for a license or
5 registration, or a contractor or subcontractor of a licensee,
6 registrant, or applicant for a license or registration.

7 Sec. 53. Section 71-3515.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-3515.01 (1) A person licensed by the department as
10 a medical radiographer ~~by the department~~ may practice medical
11 radiography on any part of the human anatomy for interpretation
12 by and under the direction of a licensed practitioner, excluding
13 interpretative fluoroscopic procedures. Such person shall:

14 (a) Prior to issuance of a license as a medical
15 radiographer, (i) complete an educational program in radiography
16 incorporating the course material as provided in the rules and
17 regulations of the department pursuant to subsection (1) of section
18 71-3515.02 and (ii) complete an application which includes such
19 person's social security number and successfully complete an
20 examination approved by the department on the course material.
21 Presentation of proof of registration in radiography with the
22 American Registry of Radiologic Technologists is proof of meeting
23 the requirements of this subdivision (a) of this subsection; and

24 (b) Prior to renewal of licensure as a medical
25 radiographer, have an average of twelve units of continuing
26 education per year as approved by the department or complete
27 continuing competency activities as required by the department

1 pursuant to section 71-3507.

2 Presentation of proof of current registration in
3 radiography with the American Registry of Radiologic Technologists
4 is proof of meeting the requirements of subdivisions (a) and (b)
5 of this subsection.

6 (2) A person licensed by the department as a limited
7 radiographer ~~by the department~~ may practice medical radiography
8 on limited regions of the human anatomy, using only routine
9 radiographic procedures, for the interpretation by and under
10 the direction of a licensed practitioner, excluding computed
11 tomography, the use of contrast media, and the use of fluoroscopic
12 or mammographic equipment. Such person shall:

13 (a) Prior to issuance of a license as a limited
14 radiographer, complete an application which includes the
15 applicant's social security number and successfully complete
16 an examination approved by the department, as described in
17 subdivision (2)(a) of section 71-3515.02 and at least one of the
18 anatomical regions listed in subdivision (2)(b) of such section or
19 successfully complete an examination approved by the department,
20 as described in subsection (3) of section 71-3515.02. The license
21 issued shall be specific to the anatomical region or regions for
22 which the applicant has passed an approved examination, except
23 that an applicant may be licensed in the anatomical region of
24 Abdomen upon successful passage of the examinations described in
25 subdivisions (2)(a) and (2)(b)(iv) of section 71-3515.02 and upon a
26 finding by the department that continued provision of service for a
27 community would be in jeopardy; and

1 (b) Prior to renewal of licensure as a limited
2 radiographer, have an average of twelve units of continuing
3 education per year as approved by the department or complete
4 continuing competency activities as required by the department
5 pursuant to section 71-3507.

6 (3) The requirements of this section do not apply to
7 a student while enrolled and participating in an educational
8 program in medical radiography who, as a part of an educational
9 program, applies X-rays to humans while under the supervision
10 of the licensed practitioners or medical radiographers associated
11 with the educational program. Students who have completed at least
12 twelve months of the training course described in subsection (1) of
13 section 71-3515.02 may apply for licensure as a temporary medical
14 radiographer. Temporary medical radiographer licenses shall expire
15 eighteen months after issuance and shall not be renewed. Persons
16 licensed as temporary medical radiographers shall be permitted
17 to perform the duties of a limited radiographer licensed in all
18 anatomical regions of subdivision (2)(b) of such section and
19 Abdomen.

20 Sec. 54. Section 71-3515.02, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-3515.02 (1) The educational program for medical
23 radiographers shall consist of twenty-four months of instruction
24 in radiography approved by the department which includes, but is
25 not limited to, radiographic procedures, imaging equipment, image
26 production and evaluation, film processing, radiation physics,
27 radiation protection, radiation biology, radiographic pathology,

1 and quality assurance activities. The department shall recognize
2 equivalent courses of instruction successfully completed by
3 individuals who are applying for licensure as medical radiographers
4 by the department when determining if the requirements of section
5 71-3515.01 have been met.

6 (2) The examination for limited radiographers shall
7 include, but not be limited to:

8 (a) Radiation protection, equipment maintenance and
9 operation, image production and evaluation, and patient care and
10 management; and

11 (b) The anatomy of, and positioning for, specific regions
12 of the human anatomy. The anatomical regions shall include at least
13 one of the following:

14 (i) Chest;

15 (ii) Extremities;

16 (iii) Skull and sinus;

17 (iv) Spine; or

18 (v) Ankle and foot.

19 (3) The examination for limited radiographers in bone
20 density shall include, but not be limited to, basic concepts
21 of bone densitometry, equipment operation and quality control,
22 radiation safety, and dual X-ray absorptiometry (DXA) scanning of
23 the finger, heel, forearm, lumbar spine, and proximal femur.

24 (4) The department shall adopt and promulgate
25 rules and regulations regarding the examinations required in
26 subdivisions (1)(a)(ii) and (2)(a) of section 71-3515.01. Such
27 rules and regulations shall provide for (a) the administration

1 of examinations based upon national standards, such as the
2 Examination in Radiography from the American Registry of Radiologic
3 Technologists for medical radiographers, the Examination for the
4 Limited Scope of Practice in Radiography or the Bone Densitometry
5 Equipment Operator Examination from the American Registry of
6 Radiologic Technologists for limited radiographers, or equivalent
7 examinations that, as determined by the department, meet the
8 standards for educational and psychological testing as recommended
9 by the American Psychological Association, the American Educational
10 Research Association, and the National Council on Measurement in
11 Education, (b) procedures to be followed for examinations, (c) the
12 method of grading and the passing grades for such examinations, (d)
13 security protection for questions and answers, and (e) for medical
14 radiographers, the contents of such examination based on the course
15 requirements for medical radiographers prescribed in subsection (1)
16 of this section. Any costs incurred in determining the extent to
17 which examinations meet the examining standards of this subsection
18 shall be paid by the individual or organization proposing the use
19 of such examination.

20 ~~(4)~~ (5) Any person employed in medical radiography
21 before and on June 2, 1995, who is not otherwise licensed may
22 apply for a license as a provisional limited radiographer before
23 January 1, 1996. A person licensed as a provisional limited
24 radiographer may perform the duties of a limited radiographer
25 licensed in all anatomical regions listed in subdivision (2)(b) of
26 this section and the anatomical region of Abdomen. A provisional
27 limited radiographer shall not radiograph children under the age

1 of six months, except (a) upon a finding by the department
2 that continued provision of service for a community would be in
3 jeopardy if this provision is enforced, (b) for an employee of
4 a hospital licensed and in good standing under the Health Care
5 Facility Licensure Act and located in a rural area as defined
6 in section 71-5653, or (c) in a bona fide emergency situation.
7 No examination shall be required of individuals applying for a
8 license as a provisional limited radiographer. All provisional
9 limited radiographer licenses expire January 1, 2005. A license
10 as a provisional limited radiographer is subject to discipline for
11 violations of the Radiation Control Act and rules and regulations
12 adopted pursuant to the act, including, but not limited to,
13 revocation for nonpayment of fees or failure to meet continuing
14 competency requirements as required by the department pursuant to
15 section 71-3507.

16 ~~(5)~~ (6) No applicant for a license as a limited
17 radiographer may take the examination for licensure, or for
18 licensure for any specific anatomical region, more than three
19 times without first waiting a period of one year after the last
20 unsuccessful attempt of the examination and submitting proof to
21 the department of completion of continuing competency activities
22 as required by the department pursuant to section 71-3507 for each
23 subsequent attempt.

24 ~~(6)~~ (7) The department shall establish and collect fees
25 as provided in section 71-162 for the implementation of this
26 section and section 71-3515.01, including an examination fee,
27 initial and renewal fees for licenses for persons performing

1 medical radiography, and a fee for approval of courses of
2 instruction.

3 Sec. 55. Section 71-3516, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-3516 (1) The department shall have the authority in
6 the event of an emergency affecting occupational or public health
7 and safety or the environment to impound or order the impounding
8 of sources of radiation in the possession of any person who is
9 not equipped to observe or fails to observe the provisions of the
10 Radiation Control Act or any rules or regulations issued pursuant
11 to such act.

12 (2) Any source of radiation impounded by the department
13 is declared to be a common nuisance and cannot be subject to a
14 replevin action.

15 (3) Possession of an impounded source of radiation shall
16 be determined by section 56 of this act.

17 Sec. 56. (1) The department shall keep any source of
18 radiation impounded under section 71-3516 for as long as it is
19 needed as evidence for any hearing.

20 (2) Prior to the issuance of an order of disposition for
21 an impounded source of radiation, the department shall notify in
22 writing any person, known by the department to claim an interest
23 in the source of radiation, that the department intends to dispose
24 of the source of radiation. Notice shall be served by personal
25 service, by certified or registered mail to the last-known address
26 of the person, or by publication. Notice by publication shall
27 only be made if personal service or service by mail cannot be

1 effectuated.

2 (3) Within fifteen days after service of the notice under
3 subsection (2) of this section, any person claiming an interest
4 in the impounded source of radiation may request, in writing, a
5 hearing before the department to determine possession of the source
6 of radiation. The hearing shall be held in accordance with rules
7 and regulations adopted and promulgated by the department. If the
8 department determines that the person claiming an interest in the
9 source of radiation has proven by a preponderance of the evidence
10 that such person (a) had not used or intended to use the source
11 of radiation in violation of the Radiation Control Act, (b) has
12 an interest in the source of radiation acquired in good faith as
13 an owner, a lien holder, or otherwise, and (c) has the authority
14 under the act to possess such source of radiation, the department
15 shall order that possession of the source of radiation be given to
16 such person. If possession of the impounded source of radiation is
17 not given to the person requesting the hearing, such person may
18 appeal the decision of the department, and the appeal shall be in
19 accordance with the Administrative Procedure Act. If possession of
20 the impounded source of radiation is not given to the person so
21 appealing, the department shall order such person to pay for the
22 costs of the hearing, storage fees, and any other reasonable and
23 necessary expenses related to the impounded source of radiation.

24 (4) If possession of the impounded source of radiation is
25 not given to the person requesting the hearing under subsection (3)
26 of this section, the department shall issue an order of disposition
27 for the source of radiation and shall dispose of the source of

1 radiation as directed in the order. Disposition methods are at the
2 discretion of the department and may include, but are not limited
3 to, (a) sale of the source of radiation to a person authorized to
4 possess the source of radiation under the act, (b) transfer to the
5 manufacturer of the source of radiation, or (c) destruction of the
6 source of radiation. The order of disposition shall be considered a
7 transfer of title of the source of radiation.

8 (5) If expenses related to the impounded source of
9 radiation are not paid under subsection (3) of this section, the
10 department shall pay such expenses from:

11 (a) Proceeds from the sale of the source of radiation, if
12 sold; or

13 (b) Available funds in the Department of Health and Human
14 Services Regulation and Licensure Cash Fund.

15 Sec. 57. Section 71-3519, Revised Statutes Supplement,
16 2005, is amended to read:

17 71-3519 Sections 71-3501 to 71-3520 and section 56 of
18 this act shall be known and may be cited as the Radiation Control
19 Act.

20 Sec. 58. (1) The Department of Health and Human Services
21 Regulation and Licensure, in consultation with interested parties,
22 shall develop a plan for the establishment and maintenance of a
23 statewide immunization registry accessible to public and private
24 immunization providers and with all applicable national standards
25 and federal and state law and rules and regulations. Such plan
26 shall be submitted to the Governor and the Legislature on or before
27 December 1, 2006.

1 (2) The purposes of the statewide immunization registry
2 are to (a) collect, store, analyze, release, and report
3 immunization data, (b) assure that necessary immunizations are
4 provided and overimmunization is avoided, (c) assess immunization
5 coverage rates, (d) determine areas of underimmunization and other
6 epidemiological research for disease control purposes, (e) document
7 that required immunizations have been provided as required for
8 school or child care admission, and (f) accomplish other public
9 health purposes as determined by the department.

10 (3) Costs associated with administration of the statewide
11 immunization registry shall be paid from cash funds, contract
12 receipts, gifts, and grants. The General Fund shall not be used to
13 pay such costs. Funds received by the department for the payment
14 of such costs shall be remitted to the State Treasurer for credit
15 to the Department of Health and Human Services Regulation and
16 Licensure Cash Fund.

17 Sec. 63. Section 81-3007.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-3007.01 (1) The departments are authorized to adopt
20 and promulgate rules and regulations which prescribe standards and
21 procedures for access to and security of confidential information
22 among the departments, within each department, and with the
23 Policy Secretary system chief administrative officer appointed
24 under section 81-3008. These include standards for collection,
25 maintenance, and use of information in electronic or other storage
26 media. Procedures for disclosure of confidential information among
27 the departments and with the Policy Secretary system chief

1 administrative officer shall include a determination by the Policy
2 Cabinet or its designees on whether confidential information should
3 be shared among the departments and with the ~~Policy Secretary~~
4 system chief administrative officer. Such determinations may take
5 the form of interagency agreements. In making the determination,
6 the following factors shall be considered:

7 (a) The law governing the confidentiality of the
8 information and the original purpose for which the information was
9 collected;

10 (b) The potential for harm to an individual if the
11 disclosure is made;

12 (c) Whether the disclosure will enhance the
13 coordination of policy development, service provision, eligibility
14 determination, program management, quality assurance, or financial
15 and support services;

16 (d) Whether the information is a trade secret, academic
17 or scientific research work which is in progress and unpublished,
18 or other proprietary or commercial information;

19 (e) Any limitations placed on the use of the information
20 by the original source of the information;

21 (f) Whether the proposed use is for a bona fide research
22 project or study, the procedures and methodology of which meet the
23 standards for research in the particular body of knowledge;

24 (g) The security of the information, including the scope
25 of access, ongoing security, publication, and disposal of the
26 information at the end of its use;

27 (h) The degree to which aggregate or summary data may

1 identify an individual whose privacy would otherwise be protected;
2 and

3 (i) Whether such information constitutes criminal
4 intelligence information maintained by correctional or law
5 enforcement authorities.

6 (2) Otherwise confidential information may be disclosed
7 among the departments and with the ~~Policy Secretary~~ system chief
8 administrative officer pursuant to subsection (1) of this section
9 if not expressly prohibited by law. Such disclosure shall not be
10 considered a public disclosure or make the record a public record.
11 Any further disclosure may be made only if permitted by law or
12 department policy governing the originating department.

13 The departments and the ~~Policy Secretary~~ system chief
14 administrative officer shall observe confidentiality of human
15 resources information and employment records, except that the
16 departments shall act and be considered to be one department for
17 purposes of human resources issues, employment records, and related
18 matters.

19 (3) All officials and employees shall be informed
20 regarding laws, rules and regulations, and policies governing
21 confidential information and acknowledge receipt of that
22 information.

23 Sec. 64. Section 81-3008, Revised Statutes Cumulative
24 Supplement, 2004, is amended to read:

25 81-3008 (1) The Governor shall appoint a ~~Policy Secretary~~
26 chief administrative officer for the Nebraska Health and Human
27 Services System to report to the Governor and to serve full

1 time at the pleasure of the Governor. The ~~Policy Secretary~~ chief
2 administrative officer shall be subject to confirmation by a
3 majority vote of the members of the Legislature.

4 (2) ~~The Policy Secretary~~ chief administrative officer
5 shall:

6 (a) Encourage and direct initiatives and collaboration in
7 the system;

8 (b) Facilitate joint planning initiatives in the system;

9 (c) Coordinate budget, research, and data collection
10 efforts to insure effectiveness of the system;

11 (d) Ensure that the Appropriations Committee of the
12 Legislature is provided any information the committee requires
13 to make funding determinations and budget recommendations to
14 the Legislature, including, but not limited to, specific program
15 budgets, internal budget requests, fiscal reports, and appearances
16 by department, division, program, and subprogram directors before
17 the committee to present department, division, program, and
18 subprogram budget requests; and

19 (e) Recommend to the Legislature and the Governor
20 legislation he or she deems necessary or appropriate.

21 ~~(2) On and after January 1, 2007, the Governor may also~~
22 ~~designate the Policy Secretary to serve as the chief administrative~~
23 ~~officer for the Nebraska Health and Human Services System.~~

24 Sec. 65. Section 81-3009, Revised Statutes Cumulative
25 Supplement, 2004, is amended to read:

26 81-3009 The directors of the departments, the ~~Policy~~
27 Secretary system chief administrative officer appointed under

1 section 81-3008, and the chief medical officer, if one is appointed
2 under section 81-3201, shall be known as the Policy Cabinet of the
3 Nebraska Health and Human Services System. Any reference to the
4 Policy Cabinet in the Nebraska Health and Human Services System
5 Act shall be to such persons. The Policy Cabinet shall work to
6 achieve policy outcomes through development of policy objectives
7 and strategic plans, to prepare and recommend budgets, to develop
8 and establish consistent priorities and policies for allocation and
9 distribution of resources, and to integrate and improve services
10 and programs administered by the system. The Policy Secretary
11 system chief administrative officer shall serve as the chairperson
12 of the Policy Cabinet.

13 Sec. 74. Original section 81-3007.01, Reissue Revised
14 Statutes of Nebraska, and sections 81-3008 and 81-3009, Revised
15 Statutes Cumulative Supplement, 2004, are repealed.

16 Sec. 75. Original sections 71-2225, 71-3515.01,
17 71-3515.02, and 71-3516, Reissue Revised Statutes of Nebraska,
18 sections 71-802 and 71-814, Revised Statutes Cumulative Supplement,
19 2004, and sections 71-815, 71-816, 71-3503, and 71-3519, Revised
20 Statutes Supplement, 2005, are repealed.

21 Sec. 76. The following sections are outright repealed:
22 Sections 71-819 and 71-820, Revised Statutes Cumulative Supplement,
23 2004, and section 71-813, Revised Statutes Supplement, 2005.

24 2. On page 11, line 22, strike "Food", show as stricken,
25 and insert "Nutrition".

26 3. Amend the operative date section so that sections 40,
27 41, 42, 43, 44, 51, 52, 53, 54, 55, 56, 57, 58, 75, and 76 added

1 by this amendment become operative three calendar months after the
2 adjournment of this legislative session. Amend the operative date
3 section so that sections 63, 64, 65, and 74 added by this amendment
4 become operative on January 1, 2007.

5 4. Renumber the remaining sections and correct internal
6 references accordingly.